

Remarks & Arguments

By this amendment, Claims 1-31 have been canceled without prejudice, and Claims 32-62 have been added. New claims 32-62 correspond to claims 1-31. Therefore, the Examiner's rejections of Claims 1-31 are traversed below with respect to corresponding Claims 32-62.

Election/Restriction Requirement

In accordance with the Office Action dated July 19, 2005, the Examiner requires restriction to one of the following inventions:

Group I: Claims 32-38.

Group II: Claims 39-42.

The Examiner submits that Group I and II are related as "process of making" and "product made." However, the Examiner explicitly acknowledges that the inventions are not in fact drawn to a "process of making" and "product made." In particular, the Examiner states that Group I is drawn to a "method of operating in an IC" and Group II is drawn to an "apparatus."

The Applicants respectfully assert that Claims 32-38 in Group I are drawn to a method of using an apparatus, and Claims 39-62 in Group IIB are drawn to the apparatus. In particular, independent Claim 32 (Group I) is directed to "a method of high frequency operation in an integrated circuit. Independent Claims 39, 47 and 56 (Group II) are directed to integrated circuit apparatus. As neither Group is directed to a "process of making" an integrated circuit, Applicants respectfully assert that the stated rationale for the restriction with regard to Group I

and II is improper on its face. Accordingly, Applicants solicit withdrawal of the restriction requirement between Group I and II.

The Examiner further requires restriction to one of the following species in Group II:

Species IIA, Claims 39-46, an IC which require one deep n-well.

Species IIB, Claims 47-55, an IC which requires two deep n well at different depths.

Species IIC, Claims 56-62, a deep n-well capacitor.

The Applicants respectfully assert that Claims 39-62 are not patentably distinct species. In particular, Claim 39 (Species IIA) recites an apparatus **comprising** a deep n well. It is well settled law that the transitional phrase “comprising” is open ended. A claim using the transitional phase “comprising” is interpreted as including at a minimum the listed elements and also may also include additional elements. Therefore, Claim 39 includes a deep n well, and may also include a second deep n well, a third deep n well, and so on. Thus, the alleged species IIA requires “at least one” deep n-well, which includes two deep n-wells as “required” in Group IIB. Accordingly, Claim 39 and 47 are not separate species.

Similarly, Claim 56 recites an apparatus **comprising** a deep n well region of an integrated circuit (IC). Therefore, Claims 56 can also include a second deep n well region of the integrated circuit, a third deep n well region of the integrated circuit, and so on. Furthermore, the claim structure of Claim 56 can be characterized as claiming the invention from the inside-out; while the claim structure of Claims 39 and 47 claim the invention from the outside-in. Thus, Claim 56 is not a separate species with respect to Claim 39 and/or Claim 47. Accordingly, there are no

patentably distinct species in Claims 39-62. Applicants therefore respectfully solicit withdrawal of the restriction requirement between Species IIA, IIB and IIC.

For each of the above-advanced reasons, Applicants respectfully submit that the election/restriction requirement is improper with regard to the restriction between alleged Group I and I, and further with regard to the alleged Species IIA, IIB and IIC. However, in the event that the Examiner maintains the restriction requirement with regard to Group I and II, the Applicants elect Claims 39-62. Further, in the event that the Examiner maintains the restriction requirement with regard to Species IIA, IIB and IIC, the Applicants elect Claims 39-46.

Rejection Under 35 U.S.C. 102

Claims 39-46 stand rejected under 35 U.S.C. 102 as being anticipated by U.S. Patent No. 6,218,708 to Burr. Applicants respectfully traverse the rejection of Claims 39-46 on the basis that the relied upon reference does not teach every element of the claimed invention.

With regard to **Claim 39**, the Office refers to Burr at Figures 3-6 and col. 4, line 18 through col. 5, line 44, to support the assertion that Barr teaches the elements of Claim 8 as originally presented. The applicants respectfully disagree with the Examiner's position, and suggest that the relied upon passage and Figures do not support the Examiner's assertion. In particular, Barr does not teach that the deep n well region is coupled to the principal operating voltage. Instead, Barr clearly teaches that the deep n well region is coupled to a "back bias potential" (V_{nw} , V_{pw}) (col. 4, lines 40-49; Figures 3 and 5).

Furthermore, Claim 39 has been amended, with respect to Claim 8 as originally filed, to include “a deep n well capacitor structure comprising a deep n well comprising n-type material coupled to said principal operating voltage and p-type material disposed proximate said deep n well and coupled to a ground reference.” Burr does not disclose “a deep n well capacitor structure.” Instead, Burr discloses a structure for routing “back bias” potentials (V_{nw} , V_{pw}) (col. 4, lines 40-49; Figures 3 and 5).

For each of the reasons set forth above, Applicants respectfully submit that Claim 39 as amended is patentable over Burr. Accordingly, Applicants request that the anticipation rejection of Claim 39 be withdrawn and that Claim 39 be allowed.

Claims 40-46 are allowable by virtue of their dependency on respective base Claim 39, as well as the additional elements they recite. Accordingly, Applicants respectfully request that the anticipation rejection of Claims 40-46 be withdrawn and that Claims 40-46 be allowed.

Conclusion

For all the reasons advanced above, Applicants respectfully submit that the present application is in condition for allowance and that action is earnestly solicited. The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

The Commissioner is hereby authorized to charge any additional fees, which may be required for this amendment, or credit any overpayment, to Deposit Account 23-0085. In the event that an extension of time is required, or may be required in addition to that requested in a

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petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account 23-0085.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Eric J. Gash", written over a horizontal line.

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